

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEWIS YOUNG,

Plaintiff,

-against-

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY

Defendant.

-----X
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Ronald L. Ellis, which was filed December 29, 2010. Plaintiff seeks review, pursuant to 42 U.S.C. § 405(g), of the Commissioner of Social Security's determination that he is not disabled within the meaning of the Social Security Act. On June 19, 2009, the Commissioner of Social Security moved to dismiss the complaint pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. The Report recommends that Defendant's motion be GRANTED and that the Complaint be DISMISSED.

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b)(2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may

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ADOPTION OF REPORT
AND RECOMMENDATION

serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised accordingly in Judge Ellis's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 12, of United States Magistrate Judge Ronald L. Ellis, dated December 29, 2010, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendant's Motion for Judgment on the Pleadings, Docket Entry No. 10, is GRANTED;

3. Plaintiff's Complaint is DISMISSED, with prejudice; and

4. The Clerk of Court is directed to CLOSE the docket in this case.

SO ORDERED.

DATED: New York, New York

February 10, 2011

Deborah A. Batts

Deborah A. Batts
United States District